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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,185	12/05/2000	Zoran Falkenstein	0070450-0012	8007
23600	7590	07/29/2004	EXAMINER	
COUDERT BROTHERS LLP 333 SOUTH HOPE STREET 23RD FLOOR LOS ANGELES, CA 90071			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/730,185	<b>Applicant(s)</b> FALKENSTEIN, ZORAN	
	<b>Examiner</b> Thuy V. Tran	<b>Art Unit</b> 2821	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment 6/16/03 & response 9/9/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>072704</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

### **DETAILED ACTION**

This is a reply to the Applicant's response submitted on September 9<sup>th</sup>, 2003 for the restriction/election requirement mailed on 08/12/2003 and a supplemental one mailed on 07/02/2004 (due to loss of the file) in regard to the amendment filed on June 16<sup>th</sup>, 2003. In virtue of this response, Invention Group I including claims 1 and 3-7 are elected without traverse, and non-elected Invention Group II including claims 9-16 are cancelled.

Claims 1 and 3-7 are now presented in the instant application.

#### ***Election Acknowledgement***

1. Applicant's election without traverse of Invention Group I including claims 1 and 3-7 in the reply filed on 09/09/2003 is acknowledged.

#### ***Proposed Drawings Corrections Accepted***

2. The proposed drawings corrections submitted on June 16<sup>th</sup>, 2003 are accepted.

#### ***Claim Objections/ Minor Informalities***

3. Claims 1 and 3 are objected to because of the following informalities:

Claim 1, line 4, --barrier-- should be inserted between "panel" and "substantially"; and --barrier-- should be inserted between "panel" and "and";

Claim 1, line 5, "panels" should be deleted, and --panel barriers-- should be inserted therefor;

Claim 3, line 2, "panels" should be deleted, and --panel barriers-- should be inserted therefor.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102/103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ipson (U.S. Patent No. 4,945,281).

With respect to claim 1, Ipson discloses, in Figs. 1-3, a dielectric barrier discharge-driven light source comprising (1) a first flat panel [1] and second flat panel [2] dielectric barriers which enclose a gas (see col. 3, lines 24-25), wherein the first flat panel barrier [1] is substantially coplanar with the second flat panel barrier [2] and has length and width dimensions substantially greater than a distance between the first and second panel barriers (see Figs. 1-2), (2) a first electrode [6] coupled to an outside portion of the first flat panel dielectric barrier [1] and a second electrode [6] coupled to the second flat panel dielectric barrier [2] (see Figs. 1-3), and (3) stems [5] disposed between the first and second dielectric flat barriers and coupled to the first and second dielectric barriers. Ipson does not teach or specify the employment of the transfer foil technology by which the stems are coupled to the first and second flat panel barriers. However, this difference is not of patentable merit since all the techniques including the transfer

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foil technology and other techniques such as adhesive bonding, mechanical fastening, or welding, etc. have a capability of bonding parts/elements together, and that of producing the same product with such bonding. Such bonding connection is believed not to affect the lighting performance of the light source. Furthermore, the techniques for coupling the parts/components of the device are not germane to the patentability of the device/product itself. Therefore, to employ the transfer foil technology or other techniques for coupling the stems to the first and second flat panel barriers of the light source of Ipson upon a particular application or environment of use would have been deemed obvious to a person skilled in the art of dielectric barrier discharge lamp fabrication.

With respect to claim 5, Ipson teaches that the stems [5] are equidistant (see Fig. 1).

With respect to claim 6, Fig. 1 of Ipson shows that the second electrode [6] is a mesh.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Ipson (U.S. Patent No. 4,945,281).

With respect to claim 3, Ipson discloses all of the claimed subject matter, as expressly recited in claim 1, except for the first and second flat panel barriers having a circular shape. However, such a difference in shape is not of patentable merit since it does not change the lighting operation of the device. It merely involves with a selection of design choices.

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Therefore, to modify the device of Ipson by changing the shape of the first and second dielectric flat panel barriers of Ipson from rectangular to circular to accommodate with a particular application or environment of use would have been deemed as an obvious development to a person skilled in the art.

With respect to claim 7, Ipson discloses all of the claimed subject matter, as expressly recited in claim 1, except for the first and second dielectric barrier being comprised of silica. However, silica has been well known as a high dielectric-strength insulating material used for charge leaking prevention. Therefore, to make the first and second dielectric barriers of Eliasson et al. in silica to prevent the dielectric discharge device from a leakage of charge would have been deemed obvious to a person skilled in the art.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ipson (U.S. patent No. 4,945,281) as applied to claim 1 above, and further in view of Foggiato et al. (U.S. Patent No. 6,049,086).

With respect to claim 4, Ipon discloses all of the claimed subject matter, as expressly recited in claim 1, except for specifying that the stems are of quartz.

Foggiato et al. discloses, in Fig. 7b, a dielectric discharge lamp device comprising spacers [726] (or stems as claimed) made of quartz (see col. 19, line 5).

It would have been obvious to one of ordinary skills in the art at the time of the invention to implement the light source device of Ipson by employing quartz to make the spacers (or stems) to provide sufficient strength to withstand the pressure difference between discharge space and the exterior of the device since such a use of the quartz material for the stated purpose

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has been well known in the art as evidenced by the teachings of Foggiato et al. (see col. 19, lines 44-48).

***Citation of relevant prior art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Eliasson et al. (U.S. Patent No. 4,983,881) discloses a high power radiation source.

Prior art Eliasson et al. (U.S. Patent No. 4,945,290) discloses a high power radiation source.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

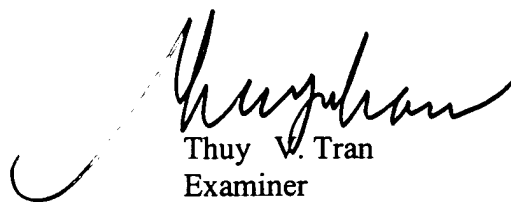
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Thuy W. Tran', with a large, sweeping flourish extending to the left.

Thuy W. Tran

Examiner

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07/26/2004